

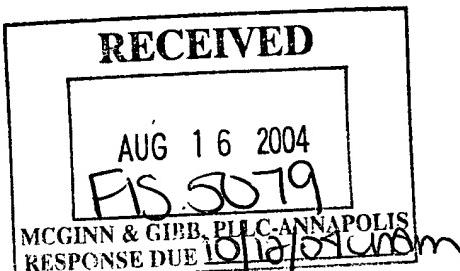
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PO Box 1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/709,048	04/08/2004	Sadanand V Deshpande	FIS920030397US1

29154
FREDERICK W. GIBB, III
MCGINN & GIBB, PLLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS, MD 21401



CONFIRMATION NO. 3047
FORMALITIES LETTER



OC000000013503818

Date Mailed: 08/12/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature consisting of stylized initials, possibly "B" and "W", followed by a circled trademark symbol (TM).

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): Deshpond et al.

Docket No.

FIS920030397US1

Application No.
10/709,048Filing Date
April 8, 2004Examiner
UnknownCustomer No.
29154Group Art Unit
Unknown**Invention: A MANUFACTURABLE METHOD AND STRUCTURE FOR DOUBLE SPACER CMOS OPTIMIZED NFET/PFET PERFORMANCE**

I hereby certify that this

PETITION UNDER 37 C.F.R. 1.17(h) AND RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND REQUEST FOR REFUND

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

9/16/04

(Date)

Frederick W. Gibb, III*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*

Note: Each paper must have its own certificate of mailing.



10/709,048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Deshpond, et al.

Serial No.: 10/709,048

Group Art Unit: Not Yet Assigned

Filed: 04/08/04

Examiner: Unknown

For: A MANUFACTURABLE METHOD AND STRUCTURE FOR DOUBLE SPACER
CMOS OPTIMIZED NFET/PFET PERFORMANCE

Commissioner for Patents
Office of Petitions
PO BOX 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.17(h) AND RESPONSE TO NOTICE OF
INCOMPLETE NONPROVISIONAL APPLICATION AND REQUEST FOR REFUND**

Sir:

In response to the Notice of Incomplete Nonprovisional Application dated August 12, 2004 (a copy of which is attached hereto), Applicants hereby submit that the alleged omitted items were, in fact, filed in the U.S. Patent and Trademark Office with the remaining papers of the original application on April 8, 2004. In support of this position, attached hereto are copies of:

- (1) The application transmittal which properly lists the filing of the complete application, drawings, and declaration as electronically filed on April 8, 2004; and
- (2) The Acknowledgement Receipt from the USPTO dated April 8, 2004 which evidences the drawings and declaration were filed. More specifically, files A20030397dwg1.tiff - A20030397dwg5.tiff were drawings, files AFIS920030397dec1.tif and AFIS920030397dec2.tif were the declaration, and the application-body files included an abstract (FIS920030397US1-trans.xml).

09/22/2004 SSITHIB1 00000034 090458 10709048

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10/709,048

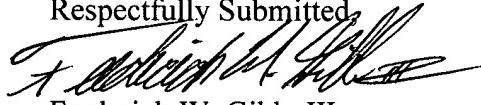
In view of the foregoing, Applicants hereby petition that the above-referenced application be granted the original filing date of **April 8, 2004**. Further, because this Petition was necessitated by an error on behalf of the Patent Office, Applicants hereby request a refund of the fee for this Petition.

For the convenience of the Patent Office, also attached hereto is a duplicate copy of the application as-filed electronically with the USPTO on April 8, 2004.

Please charge the Petition fee of \$130.00 to Attorney's Deposit Account No. 09-0458.

In view of the above, Applicants hereby request that this Petition be granted and that the Petition fee of \$130.00 be refunded to Attorney's Deposit Account No. 09-0458.

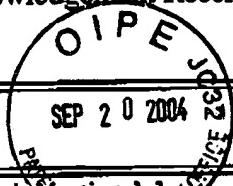
Respectfully Submitted,



Frederick W. Gibb, III
Reg. No. 37,629

Date: 9/16/04
McGinn & Gibb, PLLC
2568-A Riva Road, Suite 304
Annapolis, Maryland 21401
(410) 573-1545
Customer No. 29154

Acknowledgement Receipt

Electronic Version 1.1
Stylesheet Version v1.1.1UNITED STATES PATENT AND TRADEMARK OFFICE
ACKNOWLEDGEMENT RECEIPT

Title of Invention	A MANUFACTURABLE METHOD AND STRUCTURE FOR DOUBLE SPACER CMOS WITH OPTIMIZED NFET/PFET PERFORMANCE
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Submission Type: Utility Patent Filing
 Application Number: 10/709048 *10/709048*
 EFS ID: 58690

Server Response:	Confirmation Code	Message
	ISVR1	Submission was successfully submitted - Even If Informational or Warning Messages appear below, please do not resubmit this application
	ICON1	3047
	iGEN77	Filename= N/A BusinessRule= The access code is not included which allows for automated processing to the deposit account. #Supporting Msg:Either <us-access-code> not found in fee-xml OR actual access code not provided in the fucntion call.

First Named Applicant: Sadanand Deshpande
 Attorney Docket Number: FIS920030397US1
 Timestamp: 2004-04-08 14:14:02 EDT
 From: US

Doc. Name	File Name	Size (Bytes)
us-ids	FIS920030397US1-usids.xml	2391
us-ids	us-ids.dtd	7763
us-ids	us-ids.xsl	12026
us-request	FIS920030397US1-usreq.xml	3483
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us-assignment	AFIS920030397US1-ass1.tif	69870
us-assignment	AFIS920030397US1-ass2.tif	10834
us-fee-sheet	FIS920030397US1-usfees.xml	2002
us-fee-sheet	us-fee-sheet.xsl	24912
us-fee-sheet	us-fee-sheet.dtd	11069
application-body	FIS920030397US1-trans.xml	34606
application-body	us-application-body.xsl	83497
application-body	application-body.dtd	49498
application-body	wipo.ent	4956
application-body	mathm2.dtd	54588

Acknowledgement Receipt

Page 2 of 2

application-body	mathml2-qname-1.mod	13225
application-body	isoamsa.ent	5191
application-body	isoamsb.ent	3988
application-body	isoamsc.ent	1460
application-body	isoamsn.ent	5620
application-body	isoamso.ent	1934
application-body	isoamsr.ent	7073
application-body	isogrk3.ent	3559
application-body	lsomfrt.ent	4553
application-body	isomopf.ent	2571
application-body	isomscr.ent	4628
application-body	isotech.ent	5268
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application-body	isocyr1.ent	5345
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application-body	isodla.ent	1508
application-body	isolaz1.ent	5282
application-body	isolaz2.ent	9007
application-body	isenum.ent	5913
application-body	isopub.ent	6621
application-body	mmlextra.ent	7901
application-body	nnmlalias.ent	38209
application-body	soextbl.dtd	12870
application-body	A20030397dwg1.tif	11365
application-body	A20030397dwg2.tif	15491
application-body	A20030397dwg3.tif	24734
application-body	A20030397dwg4.tif	24498
application-body	A20030397dwg5.tif	18155
us-declaration	AFS920030397US1dec1.dfr	53908
us-declaration	AFS920030397US1dec2.dfr	19752
package-data	AFS920030397US1-pkdata.xml	9228
package-data	package-data.dtd	27025
package-data	us-package-data.xls	19263
Total files size		827153

Message Digest:

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Digital Certificate Holder

cn=James J. Cioffi,ou=Registered Attorneys,ou=Patent and Trademark

Name:

Office,ou=Department of Commerce,o=U.S. Government,c=US



TRANSMITTAL

Electronic Version v1.1
Stylesheet Version v1.1.0

JP 4/8/04

Title of Invention

A MANUFACTURABLE METHOD AND STRUCTURE FOR DOUBLE SPACER CMOS WITH OPTIMIZED NFET/PFET PERFORMANCE

Application Number:

Date:

First Named Applicant: Sadanand V Deshpande

Confirmation Number:

Attorney Docket Number: FIS920030397US1

I hereby certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.

I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.

Submitted by:	Elec. Sign.	Sign. Capacity
James J Cioffi Registered Number: 51,564	James J. Cioffi/ s /	Attorney

Documents being submitted	Files
us-ids	FIS920030397US1-usidst.xml us-ids.dtd us-ids.xsl
us-assignment	FIS920030397US1-usassn.xml us-assignment.xsl us-assignment.dtd AFIS920030397US1ass1.tif AFIS920030397US1ass2.tif
us-request	FIS920030397US1-usrequ.xml us-request.dtd us-request.xsl
us-fee-sheet	FIS920030397US1-usfees.xml us-fee-sheet.xsl us-fee-sheet.dtd
application-body	FIS920030397US1-trans.xml us-application-body.xsl application-body.dtd wipo.ent mathml2.dtd mathml2-qname-1.mod isoamsa.ent isoamsb.ent isoamsc.ent isoamsn.ent isoamso.ent isoamsr.ent isogrk3.ent isomfrk.ent isomopf.ent isomscr.ent isotech.ent isobox.ent isocyr1.ent isocyr2.ent isodia.ent isolat1.ent isolat2.ent isonum.ent

	isopub.ent
	mmlextra.ent
	mmlalias.ent
	soextblk.dtd
	A20030397dwg1.tif
	A20030397dwg2.tif
	A20030397dwg3.tif
	A20030397dwg4.tif
	A20030397dwg5.tif
us-declaration	AFIS920030397US1dec1.tif
us-declaration	AFIS920030397US1dec2.tif

Comments

ASSIGNEE NAME: International Business Machines Corporation ASSIGNEE ADDRESS: New Orchard Road, Armonk, New York 10504



FEE TRANSMITTAL

Electronic Version v08

Stylesheet Version v08.0

Title of Invention

A MANUFACTURABLE METHOD AND STRUCTURE FOR DOUBLE SPACER CMOS WITH OPTIMIZED NFET/PFET PERFORMANCE

Application Number:

Date:

First Named Applicant: Sadanand V Deshpande

Attorney Docket Number: FIS920030397US1

TOTAL FEE AUTHORIZED \$986

Patent fees are subject to annual revisions on or about October 1st of each year.

Filing as large entity

BASIC FILING FEE

Fee Description	Fee Code	Amount \$	Fee Paid \$
Utility Filing Fee	1001	770	770
Subtotal For Basic Filing Fee: \$770			

EXTRA CLAIM FEES

Fee Description	Extra Claims	Fee Code	Amount \$	Fee Paid \$
Total Claims: 25	5	1202	18	90
Independent Claims: 4	1	1201	86	86
Subtotal For Extra Claims Fees: \$ 176				

ASSIGNMENT FEES

Fee Description	Property Number	Quantity	Fee Code	Amount \$	Fee Paid \$
Recording Each Patent Assignment Per Property Fee	00000000	1	8021	40	40
Subtotal For Additional Fees: \$40					

AUTHORIZED BILLING INFORMATION

The commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit account number: 090458

Deposit name: International Business Machines Corporation

Deposit authorized name: James J. Cioffi

Signature: James J. Cioffi / s /

Date (YYYYMMDD): 2004-04-06

Charge Assignment Fees Required Under 37 C.F.R. Section 1.21 (h).

Charge Any Additional Fee Required Under 37 C.F.R. Sections 1.16 and 1.17.